

By the Committees on Appropriations; and Environmental  
Preservation and Conservation; and Senator Altman

576-04947-13

20131684c2

1                                   A bill to be entitled  
2           An act relating to environmental regulation; amending  
3           s. 20.255, F.S.; authorizing the Department of  
4           Environmental Protection to adopt rules requiring or  
5           incentivizing the electronic submission of certain  
6           forms, documents, fees, and reports; amending ss.  
7           125.022 and 166.033, F.S.; providing requirements for  
8           the review of development permit applications by  
9           counties and municipalities; amending s. 211.3103,  
10          F.S.; revising the definition of the term "phosphate-  
11          related expenses" to include maintenance and  
12          restoration of certain lands; amending s. 253.0345,  
13          F.S.; revising provisions for the duration of leases  
14          and letters of consent issued by the Board of Trustees  
15          of the Internal Improvement Trust Fund for special  
16          events; providing conditions for fees relating to such  
17          leases and letters of consent; creating s. 253.0346,  
18          F.S.; defining the term "first-come, first-served  
19          basis"; providing conditions for the discount and  
20          waiver of lease fees and surcharges for certain  
21          marinas, boatyards, and marine retailers; providing  
22          applicability; amending s. 253.0347, F.S.; providing  
23          exemptions from lease fees for certain lessees;  
24          amending s. 373.118, F.S.; deleting provisions  
25          requiring the department to adopt general permits for  
26          public marina facilities; deleting certain  
27          requirements under general permits for public marina  
28          facilities and mooring fields; limiting the number of  
29          vessels for mooring fields authorized under such

576-04947-13

20131684c2

30 permits; authorizing the department to issue certain  
31 leases; amending s. 373.233, F.S.; clarifying  
32 conditions for competing applications for consumptive  
33 use of water permits; amending s. 373.236, F.S.;  
34 prohibiting water management districts from reducing  
35 certain allocations as a result of activities  
36 involving a new seawater desalination plant that does  
37 not receive funding from a water management district;  
38 providing an exception; amending s. 373.246, F.S.;  
39 allowing the governing board or the department to  
40 notify a permittee by electronic mail of any change in  
41 the condition of his or her permit during a declared  
42 water shortage or emergency; amending s. 373.308,  
43 F.S.; providing that issuance of well permits is the  
44 sole responsibility of water management districts,  
45 delegated local governments, and local county health  
46 departments; prohibiting other local governmental  
47 entities from imposing requirements and fees or  
48 establishing programs for installation and abandonment  
49 of groundwater wells; amending s. 373.323, F.S.;  
50 providing that licenses issued by water management  
51 districts are the only water well contractor licenses  
52 required for location, construction, repair, or  
53 abandonment of water wells; authorizing licensed water  
54 well contractors to install equipment for all water  
55 systems; amending s. 373.406, F.S.; exempting  
56 specified ponds and wetlands from surface water  
57 management and storage requirements; requiring that a  
58 request for an exemption be made within a certain time

576-04947-13

20131684c2

59 period and that activities not begin until such  
60 exemption is made; exempting certain water control  
61 districts from certain wetlands regulation; amending  
62 s. 376.30713, F.S.; increasing maximum costs for  
63 preapproved advanced cleanup in a fiscal year;  
64 amending s. 376.313, F.S.; holding harmless a person  
65 who discharges pollution pursuant to ch. 403, F.S.;  
66 amending s. 403.031, F.S.; defining the term  
67 "beneficiary"; amending s. 403.061, F.S.; authorizing  
68 the department to adopt rules requiring or  
69 incentivizing the electronic submission of certain  
70 forms, documents, fees, and reports; amending s.  
71 403.0872, F.S.; extending the payment deadline of  
72 permit fees for major sources of air pollution and  
73 conforming the date for related notice by the  
74 department; revising provisions for the calculation of  
75 such annual fees; amending s. 403.088, F.S.; revising  
76 conditions for water pollution operation permits;  
77 requiring the department to meet certain standards in  
78 making determinations; amending s. 403.0893, F.S.;  
79 authorizing stormwater utility fees to be charged to  
80 the beneficiaries of the stormwater utility; amending  
81 s. 403.7046, F.S.; providing requirements for the  
82 review of recovered materials dealer registration  
83 applications; providing that a recovered materials  
84 dealer may seek injunctive relief or damages for  
85 certain violations; amending s. 403.813, F.S.;  
86 revising conditions under which certain permits are  
87 not required for seawall restoration projects;

576-04947-13

20131684c2

88 creating s. 403.8141, F.S.; requiring the Department  
89 of Environmental Protection to establish permits for  
90 special events; providing permit requirements;  
91 amending s. 403.973, F.S.; authorizing expedited  
92 permitting for natural gas pipelines, subject to  
93 specified certification; providing that natural gas  
94 pipelines are subject to certain requirements;  
95 ratifying and approving certain leases approved by the  
96 Board of Trustees of the Internal Improvement Trust  
97 Fund; provided findings that the decision to authorize  
98 the use of board of trustees-owned uplands and the use  
99 of those lands as set forth in certain leases is not  
100 contrary to the public interest; providing that  
101 changes made by this act to ss. 403.031 and 403.0893,  
102 F.S., apply only to stormwater utility fees billed on  
103 or after July 1, 2013, to a stormwater utility's  
104 beneficiary for services provided on or after that  
105 date; providing an effective date.

106  
107 Be It Enacted by the Legislature of the State of Florida:

108  
109 Section 1. Subsection (8) is added to section 20.255,  
110 Florida Statutes, to read:

111 20.255 Department of Environmental Protection.—There is  
112 created a Department of Environmental Protection.

113 (8) The department may adopt rules requiring or  
114 incentivizing electronic submission of forms, documents, fees,  
115 or reports required under chapter 161, chapter 253, chapter 373,  
116 chapter 376, chapter 377, or chapter 403. The rules must

576-04947-13

20131684c2

117 reasonably accommodate technological or financial hardship and  
118 must provide procedures for obtaining an exemption due to such  
119 hardship.

120 Section 2. Section 125.022, Florida Statutes, is amended to  
121 read:

122 125.022 Development permits.—

123 (1) When reviewing an application for a development permit  
124 that is certified by a professional listed in s. 403.0877, a  
125 county may not request additional information from the applicant  
126 more than three times, unless the applicant waives the  
127 limitation in writing. Before a third request for additional  
128 information, the applicant must be offered a meeting to attempt  
129 to resolve outstanding issues. Except as provided in subsection  
130 (4), if the applicant believes the request for additional  
131 information is not authorized by ordinance, rule, statute, or  
132 other legal authority, the county, at the applicant's request,  
133 shall proceed to process the application for approval or denial.

134 (2) When a county denies an application for a development  
135 permit, the county shall give written notice to the applicant.  
136 The notice must include a citation to the applicable portions of  
137 an ordinance, rule, statute, or other legal authority for the  
138 denial of the permit.

139 (3) As used in this section, the term "development permit"  
140 has the same meaning as in s. 163.3164 but does not include  
141 building permits.

142 (4) For any development permit application filed with the  
143 county after July 1, 2012, a county may not require as a  
144 condition of processing or issuing a development permit that an  
145 applicant obtain a permit or approval from any state or federal

576-04947-13

20131684c2

146 agency unless the agency has issued a final agency action that  
147 denies the federal or state permit before the county action on  
148 the local development permit.

149 (5) Issuance of a development permit by a county does not  
150 in any way create any rights on the part of the applicant to  
151 obtain a permit from a state or federal agency and does not  
152 create any liability on the part of the county for issuance of  
153 the permit if the applicant fails to obtain requisite approvals  
154 or fulfill the obligations imposed by a state or federal agency  
155 or undertakes actions that result in a violation of state or  
156 federal law. A county may attach such a disclaimer to the  
157 issuance of a development permit and may include a permit  
158 condition that all other applicable state or federal permits be  
159 obtained before commencement of the development.

160 (6) This section does not prohibit a county from providing  
161 information to an applicant regarding what other state or  
162 federal permits may apply.

163 Section 3. Section 166.033, Florida Statutes, is amended to  
164 read:

165 166.033 Development permits.—

166 (1) When reviewing an application for a development permit  
167 that is certified by a professional listed in s. 403.0877, a  
168 municipality may not request additional information from the  
169 applicant more than three times, unless the applicant waives the  
170 limitation in writing. Before a third request for additional  
171 information, the applicant must be offered a meeting to attempt  
172 to resolve outstanding issues. Except as provided in subsection  
173 (4), if the applicant believes the request for additional  
174 information is not authorized by ordinance, rule, statute, or

576-04947-13

20131684c2

175 other legal authority, the municipality, at the applicant's  
176 request, shall proceed to process the application for approval  
177 or denial.

178 (2) When a municipality denies an application for a  
179 development permit, the municipality shall give written notice  
180 to the applicant. The notice must include a citation to the  
181 applicable portions of an ordinance, rule, statute, or other  
182 legal authority for the denial of the permit.

183 (3) As used in this section, the term "development permit"  
184 has the same meaning as in s. 163.3164 but does not include  
185 building permits.

186 (4) For any development permit application filed with the  
187 municipality after July 1, 2012, a municipality may not require  
188 as a condition of processing or issuing a development permit  
189 that an applicant obtain a permit or approval from any state or  
190 federal agency unless the agency has issued a final agency  
191 action that denies the federal or state permit before the  
192 municipal action on the local development permit.

193 (5) Issuance of a development permit by a municipality does  
194 not in any way create any right on the part of an applicant to  
195 obtain a permit from a state or federal agency and does not  
196 create any liability on the part of the municipality for  
197 issuance of the permit if the applicant fails to obtain  
198 requisite approvals or fulfill the obligations imposed by a  
199 state or federal agency or undertakes actions that result in a  
200 violation of state or federal law. A municipality may attach  
201 such a disclaimer to the issuance of development permits and may  
202 include a permit condition that all other applicable state or  
203 federal permits be obtained before commencement of the

576-04947-13

20131684c2

204 development.

205       (6) This section does not prohibit a municipality from  
206 providing information to an applicant regarding what other state  
207 or federal permits may apply.

208       Section 4. Paragraph (c) of subsection (6) of section  
209 211.3103, Florida Statutes is amended to read:

210       211.3103 Levy of tax on severance of phosphate rock; rate,  
211 basis, and distribution of tax.-

212       (6)

213       (c) For purposes of this section, "phosphate-related  
214 expenses" means those expenses that provide for infrastructure  
215 or services in support of the phosphate industry, including  
216 environmental education, reclamation or restoration of phosphate  
217 lands, maintenance and restoration of reclaimed lands and county  
218 owned environmental lands which were formerly phosphate lands,  
219 community infrastructure on such reclaimed lands and county  
220 owned environmental lands which were formerly phosphate lands,  
221 and similar expenses directly related to support of the  
222 industry.

223       Section 5. Section 253.0345, Florida Statutes, is amended  
224 to read:

225       253.0345 Special events; submerged land leases.-

226       (1) The trustees may ~~are authorized to~~ issue leases or  
227 letters of consent ~~consents of use or leases~~ to riparian  
228 landowners, special and event promoters, and boat show owners to  
229 allow the installation of temporary structures, including docks,  
230 moorings, pilings, and access walkways, on sovereign submerged  
231 lands solely for the purpose of facilitating boat shows and  
232 displays in, or adjacent to, established marinas or government-



576-04947-13

20131684c2

233 owned ~~government-owned~~ upland property. Riparian owners of  
234 adjacent uplands who are not seeking a lease or letter of  
235 consent ~~of use~~ shall be notified by certified mail of any  
236 request for such a lease or letter of consent before ~~of use~~  
237 ~~prior to~~ approval by the trustees. The trustees shall balance  
238 the interests of any objecting riparian owners with the economic  
239 interests of the public and the state as a factor in determining  
240 whether if a lease or letter of consent ~~of use~~ should be  
241 executed over the objection of adjacent riparian owners. This  
242 section does ~~shall~~ not apply to structures for viewing motorboat  
243 racing, high-speed motorboat contests, or high-speed displays in  
244 waters where manatees are known to frequent.

245 (2) A lease or letter of consent for a ~~Any~~ special event  
246 under ~~provided for in~~ subsection (1):

247 (a) Shall be for a period not to exceed 45 ~~30~~ days and a  
248 duration not to exceed 10 consecutive years.

249 (b) Shall include a lease fee, if applicable, based solely  
250 on the period and actual size of the preemption and conditions  
251 to allow reconfiguration of temporary structures within the  
252 lease area with notice to the department of the configuration  
253 and size of preemption within the lease area.

254 (c) The lease or letter of consent ~~of use~~ may ~~also~~ contain  
255 appropriate requirements for removal of the temporary  
256 structures, including the posting of sufficient surety to  
257 guarantee appropriate funds for removal of the structures should  
258 the promoter or riparian owner fail to do so within the time  
259 specified in the agreement.

260 (3) ~~Nothing in~~ This section does not ~~shall be construed to~~  
261 allow any lease or letter of consent ~~of use~~ that would result in

576-04947-13

20131684c2

262 harm to the natural resources of the area as a result of the  
263 structures or the activities of the special events agreed to.

264 Section 6. Section 253.0346, Florida Statutes, is created  
265 to read:

266 253.0346 Lease of sovereignty submerged lands for marinas,  
267 boatyards, and marine retailers.-

268 (1) For purposes of this section, the term "first-come,  
269 first-served basis" means the facility operates on state-owned  
270 submerged land for which:

271 (a) There is not a club membership, stock ownership, equity  
272 interest, or other qualifying requirement.

273 (b) Rental terms do not exceed 12 months and do not include  
274 automatic renewal rights or conditions.

275 (2) For marinas that are open to the public on a first-  
276 come, first-served basis and for which at least 90 percent of  
277 the slips are open for rent to the public, a discount of 30  
278 percent on the annual lease fee shall apply if dockage rate  
279 sheet publications and dockage advertising clearly state that  
280 slips are open for rent to the public on a first-come, first-  
281 served basis.

282 (3) For a facility designated by the department as a Clean  
283 Marina, Clean Boatyard, or Clean Marine Retailer under the Clean  
284 Marina Program:

285 (a) A discount of 10 percent on the annual lease fee shall  
286 apply if the facility:

287 1. Actively maintains designation under the program.

288 2. Complies with the terms of the lease.

289 3. Does not change use during the term of the lease.

290 (b) Extended-term lease surcharges shall be waived if the

576-04947-13

20131684c2

291 facility:

- 292 1. Actively maintains designation under the program.  
293 2. Complies with the terms of the lease.  
294 3. Does not change use during the term of the lease.  
295 4. Is available to the public on a first-come, first-served  
296 basis.

297 (c) If the facility is in arrears on lease fees or fails to  
298 comply with paragraph (b), the facility is not eligible for the  
299 discount or waiver under this subsection until arrears have been  
300 paid and compliance with the program has been met.

301 (4) This section applies to new leases or amendments to  
302 leases effective after July 1, 2013.

303 Section 7. Paragraphs (e) and (f) are added to subsection  
304 (2) of section 253.0347, Florida Statutes, to read:

305 253.0347 Lease of sovereignty submerged lands for private  
306 residential docks and piers.—

307 (2)

308 (e) A lessee of sovereignty submerged land for a private  
309 residential single-family dock designed to moor up to four boats  
310 is not required to pay lease fees for a preempted area equal to  
311 or less than 10 times the riparian shoreline along sovereignty  
312 submerged land on the affected waterbody or the square footage  
313 authorized for a private residential single-family dock under  
314 rules adopted by the Board of Trustees of the Internal  
315 Improvement Trust Fund for the management of sovereignty  
316 submerged lands, whichever is greater.

317 (f) A lessee of sovereignty submerged land for a private  
318 residential multifamily dock designed to moor boats up to the  
319 number of units within the multifamily development is not

576-04947-13

20131684c2

320 required to pay lease fees for a preempted area equal to or less  
321 than 10 times the riparian shoreline along sovereignty submerged  
322 land on the affected waterbody times the number of units with  
323 docks in the private multifamily development.

324 Section 8. Subsection (4) of section 373.118, Florida  
325 Statutes, is amended to read:

326 373.118 General permits; delegation.—

327 (4) The department shall adopt by rule one or more general  
328 permits for local governments to construct, operate, and  
329 maintain ~~public marina facilities,~~ public mooring fields, public  
330 boat ramps, including associated courtesy docks, and associated  
331 parking facilities located in uplands. Such general permits  
332 adopted by rule shall include provisions to ensure compliance  
333 with part IV of this chapter, subsection (1), and the criteria  
334 necessary to include the general permits in a state programmatic  
335 general permit issued by the United States Army Corps of  
336 Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-  
337 500, as amended, 33 U.S.C. ss. 1251 et seq. A facility  
338 authorized under such general permits is exempt from review as a  
339 development of regional impact if the facility complies with the  
340 comprehensive plan of the applicable local government. Such  
341 facilities shall be consistent with the local government manatee  
342 protection plan required pursuant to chapter 379 ~~and shall~~  
343 ~~obtain Clean Marina Program status prior to opening for~~  
344 ~~operation and maintain that status for the life of the facility.~~  
345 ~~Marinas and mooring fields authorized under any such general~~  
346 ~~permit shall not exceed an area of 50,000 square feet over~~  
347 ~~wetlands and other surface waters.~~ Mooring fields authorized  
348 under such general permits may not exceed 100 vessels. All

576-04947-13

20131684c2

349 facilities permitted under this section shall be constructed,  
350 maintained, and operated in perpetuity for the exclusive use of  
351 the general public. The Board of Trustees of the Internal  
352 Improvement Trust Fund may delegate to the department authority  
353 to issue leases for mooring fields that meet the requirements of  
354 permits issued under this subsection. The department shall  
355 initiate the rulemaking process within 60 days after the  
356 effective date of this act.

357 Section 9. Subsection (1) of section 373.233, Florida  
358 Statutes, is amended to read:

359 373.233 Competing applications.—

360 (1) If two or more applications that ~~which~~ otherwise comply  
361 with the provisions of this part are pending for a quantity of  
362 water that is inadequate for both or all, or that ~~which~~ for any  
363 other reason are in conflict, and the water management district  
364 or department has deemed the applications complete, the  
365 governing board or the department has ~~shall have~~ the right to  
366 approve or modify the application that ~~which~~ best serves the  
367 public interest.

368 Section 10. Subsection (4) of section 373.236, Florida  
369 Statutes, is amended to read:

370 373.236 Duration of permits; compliance reports.—

371 (4) Where necessary to maintain reasonable assurance that  
372 the conditions for issuance of a 20-year permit can continue to  
373 be met, the governing board or department, in addition to any  
374 conditions required pursuant to s. 373.219, may require a  
375 compliance report by the permittee every 10 years during the  
376 term of a permit. The Suwannee River Water Management District  
377 may require a compliance report by the permittee every 5 years

576-04947-13

20131684c2

378 through July 1, 2015, and thereafter every 10 years during the  
379 term of the permit. This report shall contain sufficient data to  
380 maintain reasonable assurance that the initial conditions for  
381 permit issuance are met. Following review of this report, the  
382 governing board or the department may modify the permit to  
383 ensure that the use meets the conditions for issuance. Permit  
384 modifications pursuant to this subsection are ~~shall~~ not be  
385 subject to competing applications, provided there is no increase  
386 in the permitted allocation or permit duration, and no change in  
387 source, except for changes in source requested by the district.  
388 In order to promote the sustainability of natural systems  
389 through the diversification of water supplies through the  
390 development of seawater desalination plants, a water management  
391 district shall not reduce an existing permitted allocation of  
392 water during the permit term as a result of planned future  
393 construction of, or additional water becoming available from, a  
394 new seawater desalination plant that does not receive funding  
395 from a water management district. Except as expressly provided  
396 herein, nothing in this subsection may ~~shall not~~ be construed to  
397 alter a district's limit ~~the~~ existing authority ~~of the~~  
398 ~~department or the governing board~~ to modify ~~or revoke~~ a  
399 consumptive use permit pursuant to chapter 373.

400 Section 11. Subsection (6) of section 373.246, Florida  
401 Statutes, is amended to read:

402 373.246 Declaration of water shortage or emergency.—

403 (6) The governing board or the department shall notify each  
404 permittee in the district by electronic mail or regular mail of  
405 any change in the condition of his or her permit or any  
406 suspension of his or her permit or of any other restriction on

576-04947-13

20131684c2

407 the permittee's use of water for the duration of the water  
408 shortage.

409 Section 12. Subsection (1) of section 373.308, Florida  
410 Statutes, is amended to read:

411 373.308 Implementation of programs for regulating water  
412 wells.—

413 (1) The department shall authorize the governing board of a  
414 water management district to implement a program for the  
415 issuance of permits for the location, construction, repair, and  
416 abandonment of water wells. Upon authorization from the  
417 department, issuance of well permits will be the sole  
418 responsibility of the water management district, delegated local  
419 government, or local county health department. Other local  
420 governmental entities may not impose additional or duplicate  
421 requirements or fees or establish a separate program for the  
422 permitting of the location, abandonment, boring, or other  
423 activities reasonably associated with the installation and  
424 abandonment of a groundwater well.

425 Section 13. Subsections (1) and (10) of section 373.323,  
426 Florida Statutes, are amended to read:

427 373.323 Licensure of water well contractors; application,  
428 qualifications, and examinations; equipment identification.—

429 (1) Every person who wishes to engage in business as a  
430 water well contractor shall obtain from the water management  
431 district a license to conduct such business. Licensure under  
432 this part by a water management district shall be the only water  
433 well contractor license required for the location, construction,  
434 repair, or abandonment of water wells in the state or any  
435 political subdivision thereof.

576-04947-13

20131684c2

436 (10) Water well contractors licensed under this section may  
437 install, repair, and modify pumps and tanks in accordance with  
438 the Florida Building Code, Plumbing; Section 612—Wells pumps and  
439 tanks used for private potable water systems. In addition,  
440 licensed water well contractors may install pumps, tanks, and  
441 water conditioning equipment for all water ~~well~~ systems.

442 Section 14. Subsections (13) through (15) are added to  
443 section 373.406, Florida Statutes, to read:

444 373.406 Exemptions.—The following exemptions shall apply:

445 (13) Nothing in this part, or in any rule, regulation, or  
446 order adopted pursuant to this part, applies to the  
447 construction, alteration, operation, or maintenance of any  
448 wholly owned, manmade, excavated farm ponds, as defined in s.  
449 403.927, constructed entirely in uplands. Alteration or  
450 maintenance may not involve any work to connect the farm pond  
451 to, or expand the farm pond into, other wetlands or other  
452 surface waters.

453 (14) Nothing in this part, or in any rule, regulation, or  
454 order adopted pursuant to this part, may require a permit for  
455 activities affecting wetlands created solely by the unauthorized  
456 flooding or interference with the natural flow of surface water  
457 caused by an unaffiliated adjoining landowner. Requests to  
458 qualify for this exemption must be made within 7 years after the  
459 cause of such unauthorized flooding or unauthorized interference  
460 with the natural flow of surface water and must be submitted in  
461 writing to the district or department. Such activities may not  
462 begin without a written determination from the district or  
463 department confirming that the activity qualifies for the  
464 exemption. This exemption does not expand the jurisdiction of



576-04947-13

20131684c2

465 the department or water management districts and does not apply  
466 to activities that discharge dredged or fill material into  
467 waters of the United States, including wetlands, subject to  
468 federal jurisdiction under section 404 of the Clean Water Act,  
469 33 U.S.C. s. 1344.

470 (15) Any independent water control district created before  
471 July 1, 2013, and operating pursuant to chapter 298 for which a  
472 valid environmental resource permit has been issued pursuant to  
473 this part is exempt from further wetlands regulations imposed  
474 pursuant to chapters 125, 163, and 166.

475 Section 15. Subsection (4) of section 376.30713, Florida  
476 Statutes, is amended to read:

477 376.30713 Preapproved advanced cleanup.—

478 (4) The department is authorized to enter into contracts  
479 ~~contract~~ for a total of up to \$15 ~~\$10~~ million of preapproved  
480 advanced cleanup work in each fiscal year. However, no facility  
481 shall be preapproved for more than \$5 million ~~\$500,000~~ of  
482 cleanup activity in each fiscal year. For the purposes of this  
483 section the term "facility" shall include, but not be limited  
484 to, multiple site facilities such as airports, port facilities,  
485 and terminal facilities even though such enterprises may be  
486 treated as separate facilities for other purposes under this  
487 chapter.

488 Section 16. Subsection (3) of section 376.313, Florida  
489 Statutes, is amended to read:

490 376.313 Nonexclusiveness of remedies and individual cause  
491 of action for damages under ss. 376.30-376.317.—

492 (3) Except as provided in s. 376.3078(3) and (11), nothing  
493 contained in ss. 376.30-376.317 prohibits any person from

576-04947-13

20131684c2

494 bringing a cause of action in a court of competent jurisdiction  
495 for all damages resulting from a discharge or other condition of  
496 pollution covered by ss. 376.30-376.317 which was not authorized  
497 pursuant to chapter 403. Nothing in this chapter shall prohibit  
498 or diminish a party's right to contribution from other parties  
499 jointly or severally liable for a prohibited discharge of  
500 pollutants or hazardous substances or other pollution  
501 conditions. Except as otherwise provided in subsection (4) or  
502 subsection (5), in any such suit, it is not necessary for such  
503 person to plead or prove negligence in any form or manner. Such  
504 person need only plead and prove the fact of the prohibited  
505 discharge or other pollutive condition and that it has occurred.  
506 The only defenses to such cause of action shall be those  
507 specified in s. 376.308.

508 Section 17. Subsection (22) is added to section 403.031,  
509 Florida Statutes, to read:

510 403.031 Definitions.—In construing this chapter, or rules  
511 and regulations adopted pursuant hereto, the following words,  
512 phrases, or terms, unless the context otherwise indicates, have  
513 the following meanings:

514 (22) "Beneficiary" means any person, partnership,  
515 corporation, business entity, charitable organization, not-for-  
516 profit corporation, state, county, district, authority, or  
517 municipal unit of government or any other separate unit of  
518 government created or established by law.

519 Section 18. Subsection (43) is added to section 403.061,  
520 Florida Statutes, to read:

521 403.061 Department; powers and duties.—The department shall  
522 have the power and the duty to control and prohibit pollution of

576-04947-13

20131684c2

523 air and water in accordance with the law and rules adopted and  
524 promulgated by it and, for this purpose, to:

525 (43) Adopt rules requiring or incentivizing the electronic  
526 submission of forms, documents, fees, or reports required under  
527 chapter 161, chapter 253, chapter 373, chapter 376, chapter 377,  
528 or this chapter. The rules must reasonably accommodate  
529 technological or financial hardship and provide procedures for  
530 obtaining an exemption due to such hardship.

531  
532 The department shall implement such programs in conjunction with  
533 its other powers and duties and shall place special emphasis on  
534 reducing and eliminating contamination that presents a threat to  
535 humans, animals or plants, or to the environment.

536 Section 19. Paragraph (a) of subsection (11) of section  
537 403.0872, Florida Statutes, is amended to read:

538 403.0872 Operation permits for major sources of air  
539 pollution; annual operation license fee.—Provided that program  
540 approval pursuant to 42 U.S.C. s. 7661a has been received from  
541 the United States Environmental Protection Agency, beginning  
542 January 2, 1995, each major source of air pollution, including  
543 electrical power plants certified under s. 403.511, must obtain  
544 from the department an operation permit for a major source of  
545 air pollution under this section. This operation permit is the  
546 only department operation permit for a major source of air  
547 pollution required for such source; provided, at the applicant's  
548 request, the department shall issue a separate acid rain permit  
549 for a major source of air pollution that is an affected source  
550 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits  
551 for major sources of air pollution, except general permits

576-04947-13

20131684c2

552 issued pursuant to s. 403.814, must be issued in accordance with  
553 the procedures contained in this section and in accordance with  
554 chapter 120; however, to the extent that chapter 120 is  
555 inconsistent with the provisions of this section, the procedures  
556 contained in this section prevail.

557 (11) Each major source of air pollution permitted to  
558 operate in this state must pay between January 15 and April  
559 ~~March~~ 1 of each year, upon written notice from the department,  
560 an annual operation license fee in an amount determined by  
561 department rule. The annual operation license fee shall be  
562 terminated immediately in the event the United States  
563 Environmental Protection Agency imposes annual fees solely to  
564 implement and administer the major source air-operation permit  
565 program in Florida under 40 C.F.R. s. 70.10(d).

566 (a) The annual fee must be assessed based upon the source's  
567 previous year's emissions and must be calculated by multiplying  
568 the applicable annual operation license fee factor times the  
569 tons of each regulated air pollutant actually emitted, as  
570 calculated in accordance with the department's emissions  
571 computation and reporting rules. The annual fee shall apply only  
572 to those regulated pollutants, except carbon monoxide and  
573 greenhouse gases, for which an allowable numeric emission  
574 limiting standard is specified in ~~(except carbon monoxide)~~  
575 ~~allowed to be emitted per hour by specific condition of the~~  
576 ~~source's most recent construction or operation permit, times the~~  
577 ~~annual hours of operation allowed by permit condition; provided,~~  
578 however, that:

579 1. The license fee factor is \$25 or another amount  
580 determined by department rule which ensures that the revenue

576-04947-13

20131684c2

581 provided by each year's operation license fees is sufficient to  
582 cover all reasonable direct and indirect costs of the major  
583 stationary source air-operation permit program established by  
584 this section. The license fee factor may be increased beyond \$25  
585 only if the secretary of the department affirmatively finds that  
586 a shortage of revenue for support of the major stationary source  
587 air-operation permit program will occur in the absence of a fee  
588 factor adjustment. The annual license fee factor may never  
589 exceed \$35.

590 ~~2. For any source that operates for fewer hours during the~~  
591 ~~calendar year than allowed under its permit, the annual fee~~  
592 ~~calculation must be based upon actual hours of operation rather~~  
593 ~~than allowable hours if the owner or operator of the source~~  
594 ~~documents the source's actual hours of operation for the~~  
595 ~~calendar year. For any source that has an emissions limit that~~  
596 ~~is dependent upon the type of fuel burned, the annual fee~~  
597 ~~calculation must be based on the emissions limit applicable~~  
598 ~~during actual hours of operation.~~

599 ~~3. For any source whose allowable emission limitation is~~  
600 ~~specified by permit per units of material input or heat input or~~  
601 ~~product output, the applicable input or production amount may be~~  
602 ~~used to calculate the allowable emissions if the owner or~~  
603 ~~operator of the source documents the actual input or production~~  
604 ~~amount. If the input or production amount is not documented, the~~  
605 ~~maximum allowable input or production amount specified in the~~  
606 ~~permit must be used to calculate the allowable emissions.~~

607 ~~4. For any new source that does not receive its first~~  
608 ~~operation permit until after the beginning of a calendar year,~~  
609 ~~the annual fee for the year must be reduced pro rata to reflect~~

576-04947-13

20131684c2

610 the period during which the source was not allowed to operate.

611 ~~5. For any source that emits less of any regulated air~~  
612 ~~pollutant than allowed by permit condition, the annual fee~~  
613 ~~calculation for such pollutant must be based upon actual~~  
614 ~~emissions rather than allowable emissions if the owner or~~  
615 ~~operator documents the source's actual emissions by means of~~  
616 ~~data from a department-approved certified continuous emissions~~  
617 ~~monitor or from an emissions monitoring method which has been~~  
618 ~~approved by the United States Environmental Protection Agency~~  
619 ~~under the regulations implementing 42 U.S.C. ss. 7651 et seq.,~~  
620 ~~or from a method approved by the department for purposes of this~~  
621 ~~section.~~

622 ~~2.6.~~ The amount of each regulated air pollutant in excess  
623 of 4,000 tons per year ~~allowed to be~~ emitted by any source, or  
624 group of sources belonging to the same Major Group as described  
625 in the Standard Industrial Classification Manual, 1987, may not  
626 be included in the calculation of the fee. Any source, or group  
627 of sources, which does not emit any regulated air pollutant in  
628 excess of 4,000 tons per year, is allowed a one-time credit not  
629 to exceed 25 percent of the first annual licensing fee for the  
630 prorated portion of existing air-operation permit application  
631 fees remaining upon commencement of the annual licensing fees.

632 ~~3.7.~~ If the department has not received the fee by March 1  
633 ~~February 15~~ of the calendar year, the permittee must be sent a  
634 written warning of the consequences for failing to pay the fee  
635 by April ~~March~~ 1. If the fee is not postmarked by April ~~March~~ 1  
636 of the calendar year, the department shall impose, in addition  
637 to the fee, a penalty of 50 percent of the amount of the fee,  
638 plus interest on such amount computed in accordance with s.

576-04947-13

20131684c2

639 220.807. The department may not impose such penalty or interest  
640 on any amount underpaid, provided that the permittee has timely  
641 remitted payment of at least 90 percent of the amount determined  
642 to be due and remits full payment within 60 days after receipt  
643 of notice of the amount underpaid. The department may waive the  
644 collection of underpayment and shall not be required to refund  
645 overpayment of the fee, if the amount due is less than 1 percent  
646 of the fee, up to \$50. The department may revoke any major air  
647 pollution source operation permit if it finds that the  
648 permitholder has failed to timely pay any required annual  
649 operation license fee, penalty, or interest.

650 ~~4.8.~~ Notwithstanding the computational provisions of this  
651 subsection, the annual operation license fee for any source  
652 subject to this section shall not be less than \$250, except that  
653 the annual operation license fee for sources permitted solely  
654 through general permits issued under s. 403.814 shall not exceed  
655 \$50 per year.

656 ~~5.9.~~ Notwithstanding the provisions of s.  
657 403.087(6)(a)5.a., authorizing air pollution construction permit  
658 fees, the department may not require such fees for changes or  
659 additions to a major source of air pollution permitted pursuant  
660 to this section, unless the activity triggers permitting  
661 requirements under Title I, Part C or Part D, of the federal  
662 Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and  
663 administer such permits shall be considered direct and indirect  
664 costs of the major stationary source air-operation permit  
665 program under s. 403.0873. The department shall, however,  
666 require fees pursuant to the provisions of s. 403.087(6)(a)5.a.  
667 for the construction of a new major source of air pollution that

576-04947-13

20131684c2

668 will be subject to the permitting requirements of this section  
669 once constructed and for activities triggering permitting  
670 requirements under Title I, Part C or Part D, of the federal  
671 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

672 Section 20. Paragraph (b) of subsection (2) of section  
673 403.088, Florida Statutes, is amended to read:

674 403.088 Water pollution operation permits; conditions.—  
675 (2)

676 (b)1. If the department finds that the proposed discharge  
677 will reduce the quality of the receiving waters below the  
678 classification established for them, it shall deny the  
679 application and refuse to issue a permit. The department may not  
680 use the results from a field procedure or laboratory method to  
681 make such a finding or to determine facility compliance unless  
682 the field procedure or laboratory method has been adopted by  
683 rule or noticed and approved by department order pursuant to  
684 department rule. Field procedures and laboratory methods must  
685 satisfy the quality assurance requirements of department rule  
686 and must produce data of known and verifiable quality. The  
687 results of field procedures and laboratory methods shall be  
688 evaluated for sources of uncertainty to assure suitability for  
689 the intended purposes as properly documented with each procedure  
690 or method.

691 2. If the department finds that the proposed discharge will  
692 not reduce the quality of the receiving waters below the  
693 classification established for them, it may issue an operation  
694 permit if it finds that such degradation is necessary or  
695 desirable under federal standards and under circumstances which  
696 are clearly in the public interest.



576-04947-13

20131684c2

697 Section 21. Section 403.0893, Florida Statutes, is amended  
698 to read:

699 403.0893 Stormwater funding; dedicated funds for stormwater  
700 management.—In addition to any other funding mechanism legally  
701 available to local government to construct, operate, or maintain  
702 stormwater systems, a county or municipality may:

703 (1) Create one or more stormwater utilities and adopt  
704 stormwater utility fees sufficient to plan, construct, operate,  
705 and maintain stormwater management systems set out in the local  
706 program required pursuant to s. 403.0891(3). Stormwater utility  
707 fees adopted pursuant to this subsection may be charged to the  
708 beneficiaries of a stormwater utility. If stormwater utility  
709 fees charged to a beneficiary of a stormwater utility are not  
710 paid when due, the county or municipality may file suit in a  
711 court of competent jurisdiction or utilize any lawful method to  
712 collect delinquent fees;

713 (2) Establish and set aside, as a continuing source of  
714 revenue, other funds sufficient to plan, construct, operate, and  
715 maintain stormwater management systems set out in the local  
716 program required pursuant to s. 403.0891(3); or

717 (3) Create, alone or in cooperation with counties,  
718 municipalities, and special districts pursuant to the Interlocal  
719 Cooperation Act, s. 163.01, one or more stormwater management  
720 system benefit areas. All property owners within said area may  
721 be assessed a per acreage fee to fund the planning,  
722 construction, operation, maintenance, and administration of a  
723 public stormwater management system for the benefited area. Any  
724 benefit area containing different land uses which receive  
725 substantially different levels of stormwater benefits shall

576-04947-13

20131684c2

726 include stormwater management system benefit subareas which  
727 shall be assessed different per acreage fees from subarea to  
728 subarea based upon a reasonable relationship to benefits  
729 received. The fees shall be calculated to generate sufficient  
730 funds to plan, construct, operate, and maintain stormwater  
731 management systems called for in the local program required  
732 pursuant to s. 403.0891(3). For fees assessed pursuant to this  
733 section, counties or municipalities may use the non-ad valorem  
734 levy, collection, and enforcement method as provided for in  
735 chapter 197.

736 Section 22. Paragraph (b) of subsection (3) of section  
737 403.7046, Florida Statutes, is amended, and subsection (4) is  
738 added to that section, to read:

739 403.7046 Regulation of recovered materials.—

740 (3) Except as otherwise provided in this section or  
741 pursuant to a special act in effect on or before January 1,  
742 1993, a local government may not require a commercial  
743 establishment that generates source-separated recovered  
744 materials to sell or otherwise convey its recovered materials to  
745 the local government or to a facility designated by the local  
746 government, nor may the local government restrict such a  
747 generator's right to sell or otherwise convey such recovered  
748 materials to any properly certified recovered materials dealer  
749 who has satisfied the requirements of this section. A local  
750 government may not enact any ordinance that prevents such a  
751 dealer from entering into a contract with a commercial  
752 establishment to purchase, collect, transport, process, or  
753 receive source-separated recovered materials.

754 (b) Before ~~Prior to~~ engaging in business within the

576-04947-13

20131684c2

755 jurisdiction of the local government, a recovered materials  
756 dealer must provide the local government with a copy of the  
757 certification provided for in this section. In addition, the  
758 local government may establish a registration process whereby a  
759 recovered materials dealer must register with the local  
760 government before ~~prior to~~ engaging in business within the  
761 jurisdiction of the local government. Such registration process  
762 is limited to requiring the dealer to register its name,  
763 including the owner or operator of the dealer, and, if the  
764 dealer is a business entity, its general or limited partners,  
765 its corporate officers and directors, its permanent place of  
766 business, evidence of its certification under this section, and  
767 a certification that the recovered materials will be processed  
768 at a recovered materials processing facility satisfying the  
769 requirements of this section. A local government may not use the  
770 registration information to compete with the recovered materials  
771 dealer until 90 days after the registration information is  
772 submitted. All counties, and municipalities whose population  
773 exceeds 35,000 according to the population estimates determined  
774 pursuant to s. 186.901, may establish a reporting process which  
775 shall be limited to the regulations, reporting format, and  
776 reporting frequency established by the department pursuant to  
777 this section, which shall, at a minimum, include requiring the  
778 dealer to identify the types and approximate amount of recovered  
779 materials collected, recycled, or reused during the reporting  
780 period; the approximate percentage of recovered materials  
781 reused, stored, or delivered to a recovered materials processing  
782 facility or disposed of in a solid waste disposal facility; and  
783 the locations where any recovered materials were disposed of as

576-04947-13

20131684c2

784 solid waste. Information reported under this subsection which,  
785 if disclosed, would reveal a trade secret, as defined in s.  
786 812.081(1)(c), is confidential and exempt from the provisions of  
787 s. 24(a), Art. I of the State Constitution and s. 119.07(1). The  
788 local government may charge the dealer a registration fee  
789 commensurate with and no greater than the cost incurred by the  
790 local government in operating its registration program.  
791 Registration program costs are limited to those costs associated  
792 with the activities described in this paragraph. Any reporting  
793 or registration process established by a local government with  
794 regard to recovered materials shall be governed by the  
795 provisions of this section and department rules adopted  
796 ~~promulgated~~ pursuant thereto.

797 (4) A recovered materials dealer, or an association whose  
798 members include recovered materials dealers, may initiate an  
799 action for injunctive relief or damages for alleged violations  
800 of this section. The court may award to the prevailing party or  
801 parties reasonable attorney fees and costs.

802 Section 23. Paragraph (e) of subsection (1) of section  
803 403.813, Florida Statutes, is amended to read:

804 403.813 Permits issued at district centers; exceptions.—

805 (1) A permit is not required under this chapter, chapter  
806 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
807 chapter 25270, 1949, Laws of Florida, for activities associated  
808 with the following types of projects; however, except as  
809 otherwise provided in this subsection, nothing in this  
810 subsection relieves an applicant from any requirement to obtain  
811 permission to use or occupy lands owned by the Board of Trustees  
812 of the Internal Improvement Trust Fund or any water management

576-04947-13

20131684c2

813 district in its governmental or proprietary capacity or from  
814 complying with applicable local pollution control programs  
815 authorized under this chapter or other requirements of county  
816 and municipal governments:

817 (e) The restoration of seawalls at their previous locations  
818 or upland of, or within 18 inches ~~1-foot~~ waterward of, their  
819 previous locations. However, this shall not affect the  
820 permitting requirements of chapter 161, and department rules  
821 shall clearly indicate that this exception does not constitute  
822 an exception from the permitting requirements of chapter 161.

823 Section 24. Section 403.8141, Florida Statutes, is created  
824 to read:

825 403.8141 Special event permits.—The department shall issue  
826 permits for special events under s. 253.0345. The permits must  
827 be for a period that runs concurrently with the lease or letter  
828 of consent issued pursuant to s. 253.0345 and must allow for the  
829 movement of temporary structures within the footprint of the  
830 lease area.

831 Section 25. Paragraph (b) of subsection (14) and paragraph  
832 (b) of subsection (19) of section 403.973, Florida Statutes, are  
833 amended, and paragraph (g) is added to subsection (3) of that  
834 section, to read:

835 403.973 Expedited permitting; amendments to comprehensive  
836 plans.—

837 (3)

838 (g) Projects to construct interstate natural gas pipelines  
839 subject to certification by the Federal Energy Regulatory  
840 Commission are eligible for the expedited permitting process.

841 (14)

576-04947-13

20131684c2

842 (b) Projects identified in paragraph (3) (f) or paragraph  
843 (3) (g) or challenges to state agency action in the expedited  
844 permitting process for establishment of a state-of-the-art  
845 biomedical research institution and campus in this state by the  
846 grantee under s. 288.955 are subject to the same requirements as  
847 challenges brought under paragraph (a), except that,  
848 notwithstanding s. 120.574, summary proceedings must be  
849 conducted within 30 days after a party files the motion for  
850 summary hearing, regardless of whether the parties agree to the  
851 summary proceeding.

852 (19) The following projects are ineligible for review under  
853 this part:

854 (b) A project, the primary purpose of which is to:

855 1. Effect the final disposal of solid waste, biomedical  
856 waste, or hazardous waste in this state.

857 2. Produce electrical power, unless the production of  
858 electricity is incidental and not the primary function of the  
859 project or the electrical power is derived from a fuel source  
860 for renewable energy as defined in s. 366.91(2) (d).

861 3. Extract natural resources.

862 4. Produce oil.

863 5. Construct, maintain, or operate an oil, petroleum,  
864 ~~natural gas,~~ or sewage pipeline.

865 Section 26. (1) The Legislature ratifies and approves the  
866 actions of the Board of Trustees of the Internal Improvement  
867 Trust Fund regarding lease numbers 1447, 1971S, 3420, 3433, and  
868 3543, and lease numbers 3422 and 1935/1935-S as approved on  
869 January 23, 2013, subject to the terms and conditions  
870 established by the board of trustees as approved on January 23,

576-04947-13

20131684c2

871 2013.

872 (2) The Legislature finds that the decision to authorize  
873 the use of board of trustees-owned uplands and the use of those  
874 lands as set forth in the leases is not contrary to the public  
875 interest; that it is in the public interest to waive the  
876 competitive bid process; that the leases are not standard  
877 agricultural leases; and that such leases should be amended on  
878 the terms and conditions as approved by the board of trustees.

879 (3) Notwithstanding any other provision of law, the  
880 Legislature finds that the lease amendments and extensions  
881 approved by the board of trustees are necessary for Everglades  
882 restoration purposes, are in the public interest, and provide  
883 the greatest combination of benefits to the public.

884 Section 27. The changes made by this act to ss. 403.031 and  
885 403.0893 apply only to stormwater utility fees billed on or  
886 after July 1, 2013, to a beneficiary of a stormwater utility for  
887 services provided on or after that date.

888 Section 28. This act shall take effect July 1, 2013.